

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	10-00064-01-CR-W-GAF
ANDRE MAYS,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on March 2, 2011. Defendant Andre Mays appeared in person and with Assistant Federal Public Defender Larry Pace. The United States of America appeared by Assistant United States Attorney Patrick Daly.

***I. BACKGROUND***

On March 3, 2010, an indictment was returned charging defendant with possession with intent to distribute crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g) and 924(a).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Daly announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Chris Gilio.

Mr. Pace announced that he will be the trial counsel for defendant Andre Mays.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Daly announced that the government intends to call 17 witnesses without stipulations or 12-14 witnesses with stipulations during the trial.

Mr. Pace announced that defendant Andre Mays intends to call no witnesses during the trial. The defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Daly announced that the government will offer approximately 10 exhibits in evidence during the trial.

Mr. Pace announced that defendant Andre Mays will offer no exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Pace announced that defendant Andre Mays will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Pace stated this case is probably not for trial.

***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody and chemist's reports.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take 2-3 days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 22, 2010, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by March 2, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, March 9, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, March 9, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on March 14, 2011.

The parties ask for the second week of the docket if the case is not disposed of by a plea.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
March 2, 2011

cc: Mr. Kevin Lyon

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, March 11, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.